

## **REMARKS/ARGUMENTS**

### **STATUS OF CLAIMS**

In response to the Office Action dated December 13, 2006, claims 1, 7, 8 and 10 have been amended, and claim 9 has been canceled. Claims 1, 3-8 and 10 are now pending in this application. No new matter has been added.

### **REJECTION OF CLAIMS UNDER 35 U.S.C. § 101**

Claims 8-10 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner contends that the claimed subject matter fails to define a result in the process that is being claimed.

The rejection is moot as to canceled claim 9.

By this response, claim 8 has been amended to recite, *inter alia*:

An information processing method enabling an operation procedure that has been executed in a prior situation to be executed in a current situation when current situation information agrees with one of stored situation information and enabling the operation procedure that has been executed for one of the stored situation information to be adapted for execution to the current situation when the current situation information differs from the stored situation information, comprising:

...

an operation procedure executing step of, when the situation comparing step indicates that the current situation information agrees with one of the stored situation information, executing an operation procedure according to an operation information stored in the situation and operation storage step; and

an operation adapting step of, when the situation comparing step indicates the current situation information differs from the stored situation information, adapting an operation procedure to be executed in the operation procedure executing step to the current situation when, as a result of the search in the broader concept searching step, a broader concept of a situation information on the current situation agrees with that

of a situation information stored in the situation and operation storage step.

Thus, the preamble now recites the results achieved by the last two procedures of claim 8, which are the results intended to occur. Consequently, amended independent claim 8, as well as amended claim 10, depending from amended claim 8, are believed to recite statutory subject matter. Consequently, withdrawal of the rejection of claims 8 and 10, as amended, is respectfully solicited.

As claims 8 and 10 have not been otherwise rejected, their allowance, as amended, is respectfully solicited.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103**

I. Claims 1 and 3-6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Welling, Jr. et al. (USPN 6,181,927).

To expedite prosecution, independent claim 1 has been amended to delineate, *inter alia*:

an operation procedure executing means for, when the situation comparing means indicates that the current situation information agrees with one of the stored situation information, executing an operation procedure according to an operation information stored in the situation and operation storage means; and

an operation adapting means for, when the situation comparing means indicates that the current situation information does not agree with any of the stored situation information, adapting an operation procedure to be executed by the operation procedure executing means to a current situation when, as a result of the search by the broader concept searching means, a broader concept of a situation information on the current situation agrees with that of a situation information stored in the situation and operation storage means.

The Examiner refers to column 4, lines 13-50 of Welling, Jr. et al. as disclosing the situation acquiring means, the situation and operation storage means, the situation comparing means, the situation hierarchy storage means, the broader concept searching means and the operation procedure executing means, and to column 3, line 56 to column 4, line 58 and column 6, lines 53-67 of Welling, Jr. et al. as disclosing the operation adapting means.

Column 4, lines 12-15 of Welling, Jr., et al. describe:

Triggering is initiated based on the presence (or absence) of particular data contained in the call origination information. In the present invention, triggering the execution of the service application program may occur in one of two ways. Preferably, the trigger is based on the subscriber station ID (MSISDN). The subscriber station ID is compared to a list of station IDs contained in a database 50. If the subscriber station ID of the subscriber station 32 equals (meets or matches) one of the station IDs in the database 50, the service application program is triggered and the SCP 42 processes the call in accordance with the functionality of the service application program. The database 50 is shown internal to the SCP 42 (see FIG. 1), but it may also be provisioned external to the SCP 42, or within another node or device within the telecommunications system, such as the switching center 12. In this method of triggering, the call origination is forwarded by the switching center 12 to the SCP 42, as identified by a reference numeral 204. The SCP 42 performs the comparison and triggering function. Alternatively, the switching center 12 performs the triggering utilizing triggering information from the HLR 40.

In another way, the trigger is a unique number called by the subscriber station 32. ***The called number is compared to a list of special numbers in a trigger database 52.*** If the called number matches the one of the triggers, the service application program is triggered and the SCP 42 processes the call in accordance with the functionality of the service program. ***The trigger database 52 is shown internal to the switching center 12, but it may also be provisioned external to the switching center 12, or within another node or device in the telecommunications system.*** The switching center 12 performs the comparison and triggering function and transmits a request for the SCP 42 to execute the sponsored-call service application program for call control processing (this method of triggering is not shown by a reference numeral). As will be appreciated, other triggering criteria may be utilized if so desired.

While the Examiner contends that the trigger database of Welling, Jr. et al. stores numbers and associated called number, there is nothing in column 4, lines 13-50 of Welling, Jr., et al. that describes how the trigger database 52 is formed. More specifically, there is no description that the trigger database is formed by storing situation information that has been (previously) acquired via the situation acquiring means nor that the trigger data base further associatively stores *operation procedures* performed with respect to each situation information that is stored. Furthermore, there is no description in Welling, Jr. et al. that of the list of numbers stored in the database are stored in *a hierarchical structure*. A hierarchical structure requires some sort of tree structure which clearly is not disclosed in Welling, Jr. et al. Finally, there is no description in Welling, Jr. et al. that when a current situation information differs from the stored situation information, then an *operation procedure* to be executed is adapted to the current situation when, as a result of searching by the searching means, a broader concept of a situation information on the current situation agrees with that of a stored situation information.

Thus, amended independent claim 1 is patentable over Welling, Jr. et al., as are dependent claims 3-6 and their allowance is respectfully solicited.

II. Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lange et al. (USPN 6,704,564) in view of Welling, Jr. et al.

Independent claim 7 has been amended similar to independent claim 1.

Lange et al. also fails to disclose the features described above with respect to amended independent claim 1. In particular, Lange et al. fails to disclose or suggest that

the memory 130 is formed by storing situation information that has been (previously) acquired via the situation acquiring means or that the memory 130 further associatively stores *operation procedures* performed with respect to each situation information that is stored. Furthermore, there is no description in Lange et al. that when a current situation information differs from the stored situation information, then an *operation procedure* to be executed is adapted to the current situation when, as a result of searching by the searching means, a broader concept of a situation information on the current situation agrees with that of a stored situation information. Finally, there is no description in Welling, Jr. et al. that of the list of numbers stored in the database are stored in *a hierarchical structure*, as noted above.

Thus, amended independent claim 7 is patentable over Lange et al. and Welling, Jr., et al., considered alone or in combination. Therefore, the allowance of amended independent claim 7 is respectfully solicited.

## **CONCLUSION**

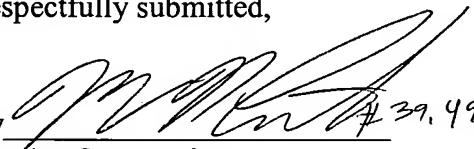
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise Reg. No. 34,523 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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